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FEBRUARY 7 - FEBRUARY 11: THIS WEEK

The House returned Tuesday, February 8, and takes up anti-terrorism, intelligence and trade reauthorization bills. The chamber also will consider a bill to force the return of money the United States overpaid to the United Nations. Later this week, the House is expected to consider a resolution to direct committees to review the impact of federal regulations on jobs and economic growth.

The Senate convened and resumed consideration of the Federal Aviation Administration reauthorization before proceeding to judicial confirmation votes. The Senate Finance Committee met to mark up a draft bill to reauthorize the Airport and Airway Trust Fund. Across the Hill, a House Judiciary subcommittee holds a hearing on a bill to overhaul the patent system.

Education

A bipartisan group of House members is pushing back against efforts by the Obama administration and Senate Democrats to tighten regulation of for-profit colleges. With the **Senate Health, Education, Labor and Pensions Committee** planning new hearings on for-profits on Thursday, February 17, the

chairman of the House Education and the Workforce committee, **Rep. John Kline (R-Minn.)** took the lead in questioning the need for new regulation. Kline is challenging the impartiality of an earlier investigation of for-profit colleges conducted by the **Government Accountability Office**.

Energy Environmental & Climate Change

Republican lawmakers are pushing legislation to block the EPA from regulating greenhouse gases under the **Clean Air Act**, though the measure would allow first-ever agency limits on vehicle emissions of the gases to proceed. The bill — offered Wednesday, February 2, by **Energy and Commerce Chairman Fred Upton (R-Mich.)**, and **Rep. James M. Inhofe (R-Okla.)**, the ranking member on the **Senate Environment and Public Works Committee** — would add a new section to the Clean Air Act exempting greenhouse gases from EPA's purview, while repealing numerous agency

actions to implement new emission restrictions. The bill will be the subject of a Wednesday, February 9 hearing by the **Energy and Power Subcommittee**.

President Obama on Thursday, February 3, called for an overhaul of tax incentives for energy efficiency upgrades at commercial buildings, as well as new federal spending for a large-scale retrofit initiative. The **Better Buildings Initiative** aims to reduce the energy consumption of commercial buildings by 20 percent over 10 years.

Health Care

Talk of alternatives to the individual mandate picked up last week after a federal court in Florida ruled the health care reform law unconstitutional. **Rep. Peter A. DeFazio (D-Ore.)** is proposing that Americans be allowed to forgo buying health insurance if they agree to pay for their care, in order

to quickly resolve any question about the law's constitutionality. The proposal could prove attractive to those who support access to health care and recognize some Americans prefer not to carry insurance.

Insurance

The **House Small Business Committee** will hold its first full committee hearing on Wednesday, February 9. The Committee will examine the expanded 1099 information reporting requirements in Section 9006 of the **Patient Protection and Affordable Care Act**. The Committee will hear testimony from small business owners about the

mandate's administrative burdens and its potential negative impact on job creation, growth and business investment. The Committee also will hear testimony from **Rep. Dan Lungren (R-Calif.)**, the sponsor of legislation to repeal Section 9006 of the Act (HR 4, Small Business Paperwork Mandate Elimination Act of 2011).

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Insurance (cont'd.)

The **National Association of Insurance Commissioners (NAIC)** Exchanges Subgroup will hold a conference call meeting on Thursday, February 10, to discuss the Subgroup Work Plan for January - August 2011. The purpose of the Work Plan is to develop white papers/issues briefs on those issues where states have flexibility under the federal law in establishing the Exchange. Recommended topics for the papers/briefs include: governance; financing; navigators/producers; adverse selection; additional Exchange functions, such as, negotiating with carriers for participation, collecting premium, standardizing cost-sharing requirements; additional consumer disclosure information that may be provided through the Exchange, such as information on Medigap plans, HSAs (for HSA eligible plans), drug assistance programs, public health information, provider information; Medicaid/CHIP and Exchange reconciliation issues; regional exchanges, merger of individual and small group markets.

The **Office of Thrift Supervision (OTS)**, **Office of the Comptroller of the Currency**, **FDIC** and the **Board of Governors of the Federal Reserve System** issued a joint press release on Thursday, February 3, regarding proposed changes to reporting requirements for savings associations and savings and loan holding companies regulated by the OTS. The agencies are proposing the changes pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act. It has been reported that these new reporting rules could affect a number of large insurers as some of the largest thrift holding companies have major insurance operations.

The **House Rules Committee** has scheduled a hearing for Tuesday, February 8, regarding a House Resolution directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the federal government, particularly with respect to their effect on jobs and economic growth.

Labor, Pensions & Retirements

The Obama administration announced on Friday, February 4, that it will award collective bargaining rights to screeners at the **Transportation Security Administration (TSA)**. The question has roiled Congress for years, most recently when Republicans held up the nominations of several TSA

administrators last year over their refusal to say where they stood on collective bargaining. The decision, announced by **TSA chief John S. Pistole** after a lengthy review, could prompt a fight from Republicans seeking a legislative reversal.

Trade

A group of Senate Democrats urged the House on Thursday, February 3, to pass legislation quickly to extend expiring benefits for workers who lose jobs or wages due to increased imports. On December 22, 2010, Congress cleared a six-week extension of the long-standing **trade adjustment assistance (TAA)** program, which was expanded in the 2009 economic

stimulus law. Now, with a February 12 expiration date looming, Republicans and Democrats are locked in disputes about the broader trade agenda, including the timing of action on stalled free trade agreements with South Korea, Colombia and Panama. Labor unions and other TAA advocates are pushing Congress to prevent the program from expiring.

Transportation and Infrastructure

On Friday, February 4, **Transportation Secretary Ray LaHood** said he thinks Congress can enact a multi-year surface transportation bill by August 2011. In a conference call with reporters to discuss next week's series of infrastructure-focused events, LaHood said he had met earlier in the week with **Sens. Barbara A. Boxer (D-Calif.)**, chairwoman of the **Environment and Public Works Committee**, and **John D. Rockefeller IV (D-W.Va.)**, chairman of the **Commerce, Science and Transportation Committee**, and both are committed to getting a transportation bill. **Rep. John L. Mica (R-Fla.)**,

chairman of the **House Transportation and Infrastructure Committee**, stated that he wants to start moving a bill by March. Progressing this legislation can be difficult because surface transportation bills are complicated things and often break down into regional fights over how much money states pay into the Highway Trust Fund in gasoline taxes, versus how much they receive back to spend on transportation programs. In addition, historically, these bills have been loaded with earmarks which are not expected in the present environment.